

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**RUPERT CALVIN BELL AND
KYLE T. NELSON.,**

Plaintiffs,

v.

**TOWNSHIP OF MAPLEWOOD,
MAYOR VICTOR DELUCA,
SONIA ALVES-VIVEIROS,
NANCY ADAMS, DEAN DELUCIA,
GREGORY LEMBRICK, FRANK
MCGEHEE, JOSEPH MANNING,
HEAD DOE(S), JOHN DOES 1-10,
*fictitious parties,***

Defendants.

**Civil Action Nos.: 19-12980(BRM) (JAD)
20-2504(BRM)(JAD)**

ORDER

JOSEPH A. DICKSON, U.S.M.J.

This matter comes before the Court by means of a status conference held in both Bell v. Maplewood, No. 19-cv-12980(BRM)(JAD) ("Bell I") and Bell v. Maplewood, No. 20-cv-2504(BRM)(JAD) ("Bell II"). For good cause shown, and:

WHEREAS the Court held a status conference in both Bell I and Bell II on October 22, 2020;

WHEREAS the Court discussed outstanding issues in both matters including motions for default judgment; entries of default; and service of process issues;

WHEREAS the Court and the parties also discussed that the complaint filed in Bell II, (No. 20-2504, ECF No. 1) is, per admission of Plaintiff's counsel, identical to the proposed amended complaint Plaintiff sought leave to file in Bell I (No. 19-12980, ECF No. 37); and

WHEREAS with consent of both parties:

IT IS on this 29th day of October, 2020,

ORDERED Plaintiff's counsel will effectuate service of the Bell II complaint, (No. 20-2504, ECF No. 1) upon Defendants' counsel via email;

ORDERED that Defendants will have 45 days from service to respond to the complaint;

ORDERED that Defendants' counsel will submit a status letter to the court via ECF by 11/05/2020 indicating whether potential Statute of Limitations concerns exist in Bell II;

ORDERED that as the parties agreed at the conference that a single lawsuit should exist in these matters, if the status letter on 11/05/2020 indicates that no Statute of Limitations issue exists in Bell II, then the Court will administratively terminate Bell I;

ORDERED that should the 11/05/2020 status letter indicate that a Statute of Limitations issue exists in Bell II, then the Court will convene a hearing to resolve the issue of one operative complaint together with a process for addressing the statute of limitations issue;

ORDERED that the motions for Default Judgment in Bell I, (No. 19-12980, ECF No. 44) and Bell II, (No. 20-2504, ECF No. 16) are **DENIED without prejudice**; and

ORDERED that all entries of default in Bell II are hereby vacated.

SO ORDERED

/s/ Joseph A. Dickson _____
HON. JOSEPH A. DICKSON, U.S.M.J.

Dated: October 29, 2020

cc: Hon. Brian R. Martinotti, U.S.D.J.